

रजिस्टर्ड नं० एस० एम० 14.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 26 जून, 1976/5 आषाढ़, 1898

GOVERNMENT OF HIMACHAL PRADESH

PERSONNEL (A-II) DEPARTMENT

NOTIFICATION

Simla-171002, the 19th June, 1976

No. PER(AP-II)-A-(1)-1/75.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, after consultation with the Himachal Pradesh Public Service Commission, is pleased to make the following Rules regarding

recruitment and certain conditions of service for the post of Officer on Special Duty (Law), namely:—

1. *Short title and commencement.*—(i) These rules may be called the Himachal Pradesh Law Department Class II Service (Recruitment and certain Conditions of Service) Rules for the post of Officer on Special Duty (Law), 1976.

(ii) They shall come into force from the date of issue of this Notification.

2. *Rules and other conditions of service.*—(i) The method of recruitment, age limits, qualifications, period of probation etc., for recruitment to the post of Officer-on-Special Duty (Law) shall be as specified in Annexure "A".

(ii) In regard to matters not specified in the Annexure "A", the members of the service shall be governed by the rules, orders, instructions as issued by the Government of Himachal Pradesh from time to time.

3. *Reservations for Scheduled Castes/Scheduled Tribes etc.*—The members of the Scheduled Castes, Scheduled Tribes, ex-servicemen, backward classes etc., shall be allowed reservation of posts and other concessions in the matter of recruitment as may be ordered by the Government from time to time.

4. *Departmental Examination.*—(1) Every member of the service shall pass a departmental examination as prescribed in the Departmental Examination Rules within the probation period or within two years from the Notification of these rules, whichever is later failing which he shall not be eligible to—

- (i) cross the efficiency bar next due;
- (ii) confirmation in the service; and
- (iii) promotion to the next higher post:

Provided that if a member becomes otherwise eligible for promotion, within the period mentioned above, he shall be considered for promotion and if otherwise found fit shall be promoted provisionally subject to his passing the departmental examination. He may be reverted if he fails to pass the same:

Provided further that an officer who has qualified the departmental examination in whole or in part prescribed under any other rules before the notification of these rules, shall not be required to qualify the whole or in part of the examination as the case may be :

Provided further that an officer for whom no departmental examination was prescribed to the notification of these rules and who has attained the age of 45 years on the 1st of March, 1976, shall not be required to qualify the departmental examination prescribed under these rules.

(2) An officer on promotion to a higher post in his direct line of promotion shall not be required to pass the aforesaid examination if he has already passed the same in the lower gazetted post.

(3) The Government may in consultation with the Himachal Pradesh Public Service Commission, grant in exceptional circumstances and for reasons to be reduced in writing, exempt in accordance with the Departmental Examination Rules, any class or category of persons from the departmental examination in whole or in part.

ANNEXURE A

RECRUITMENT AND PROMOTION RULES FOR THE POST OF OFFICER
ON SPECIAL DUTY (LAW) IN THE DEPARTMENT OF PERSONNEL
HIMACHAL PRADESH GOVERNMENT

1. Name of the post Officer on Special Duty (Law).
2. No. of posts One.
3. Classification Class II (Gazetted).
4. Scale of pay Rs. 350-25-500-30-590/30-830-35-900.
5. Whether selection post or non-selection post. Selection.
6. Age for direct recruits Not less than 25 years and not more than 35 years.
7. Minimum education and other qualifications required for direct recruits. *Essential.*—Degree of Bachelor of Laws of a recognised University or a Barrister of England or Ireland or Member of the Faculty of Advocates of Scotland with experience of 4 years as an Advocate.
Desirable.—Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in peculiar conditions prevailing in the Pradesh.
8. Whether age and educational qualifications prescribed for direct recruits will apply in case of promotion. Age—No.
Qualifications—Yes
9. Period of probation, if any 2 years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and for reasons to be reduced to writing.
10. Method of recruitment, whether by direct rectt. or by promotion, deputation/transfer and the percentage of vacancies to be filled by various methods. By promotion failing which by deputation failing both by direct recruitment.
11. In case of rectt. by promotion, deputation/transfer, grades from which promotion/deputation/transfer to be made. *By promotion:* from amongst Legal Assistants with 5 years' service as such.
By deputation: from the Section Officers of the H.P. Sectt. who are Law Graduates with 5 years' service in the grade of Section Officer, or
By deputation: of Assistant District Attorney-cum-Public Prosecutor. (Deputation period not to exceed three years).
12. If a D.P.C. exists what is its composition. D.P.C. to be presided over by the Chairman of the H.P. P.S.C. or a Member thereof to be nominated by him.

13. Circumstances in which H.P. As required under the law.
P.S.C. is to be consulted in
making recruitment.

Footnotes:

1. Upper-age limit for direct recruits will not be applicable to candidates already in the service of the Government.
2. Upper-age limit is relaxable for Scheduled Castes/Tribes candidates and other categories of persons to the extent permissible under the general or special orders of the Himachal Pradesh Government.
3. Age and qualifications in case of direct recruits, relaxable at the discretion of the Commission in case of candidates otherwise well qualified.
4. Provisions of Col. 10 and 11 are to be revised by the Government in consultation with the Himachal Pradesh Public Service Commission as and when the number of posts under Col. 2 are increased or decreased.
5. Age limit for direct recruits will be reckoned from the last date fixed for receipt of applications by the Commission.
6. Where the Government is of the opinion that it is necessary or expedient to do so, it may by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission, relax any of the provisions of these rules with respect to any class or category of person or post.
7. Selection for appointment in case of direct recruits, shall be made on the basis of *viva voce* test, if the Commission so considers necessary or expedient, by a written test, the standard syllabus etc. of which will be determined by the Commission or a practical test.
8. The *ad hoc* service shall be taken into account for the purpose of promotion/confirmation. In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* one) in the feeder post, all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior officials in the field of consideration.

SUNEETA MUKHERJEE,
Deputy Secretary.